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2 **UNITED STATES DISTRICT COURT**
3 **CENTRAL DISTRICT OF CALIFORNIA**

4 DAVID HOUGH; *et al.*

5 Plaintiffs,

6 vs.

7 RYAN CARROLL; *et al.*

8 Defendants.

Case No.: 2:24-cv-02886-WLH

**DECLARATION OF NICO BANKS
SUPPORTING PLAINTIFFS'
REPLY IN SUPPORT OF THEIR
MOTION FOR SANCTIONS**

Hearing: June 28, 2024 at 1:30 p.m.
Presiding Judge: Hon. Wesley L. Hsu
Trial Date: N/A

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13 **DECLARATION OF NICO BANKS SUPPORTING PLAINTIFFS' REPLY IN**
14 **SUPPORT OF THEIR MOTION FOR SANCTIONS**

15 I, Nico Banks, have personal knowledge of the matters set forth below and if
16 called to testify, I would do so competently.

- 18 1. I requested sanctions in the arbitration *Benjamin David v. Wealth Assistants*
19 because of Defendants' failure to comply with their discovery obligations. In
20 that pending case, the arbitrator has deferred ruling on Plaintiffs' request for
21 sanctions until later in the proceeding.
22
23 2. The arbitrator has not stated or suggested that he will deny Plaintiffs' request
24 for sanctions.
25
26 3. At the last pre-hearing conference in *Benjamin David v. Wealth Assistants*, the
27 arbitrator told Defendants that he did not like issuing sanctions, but that
28

1 Defendants' counsel needed to warn their clients that it was vital for them to
2 comply with their discovery obligations.

3 4. I have not requested sanctions any other time in *Benjamin David v. Wealth*
4 *Assistants*.

5 5. I never requested sanctions in the arbitration *Individual Claimants v. Wealth*
6 *Assistants LLC*.

7 6. Plaintiffs sent Defendants' Counsel an email regarding Defendants' discovery
8 deficiencies on May 17, 2024 before the videoconference on that day. Plaintiffs
9 did not send Defendants' counsel an email after that videoconference on that
10 day.
11

12 I declare under penalty of perjury that the foregoing is true and correct.
13

14 /s/Nico Banks
15

16 Dated: 6/14/2024
17

18 /S/ Nico Banks

19 Nico Banks (CA SBN:344705)

20 **BANKS LAW OFFICE**

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